

### REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 27, 2006 (hereinafter Office Action) have been considered. Claims 1-43 remain pending in the application. The allowability of Claims 9 and 15-43 is acknowledged, and the Applicants thank the Examiner for favorable consideration of these claims. Reconsideration and allowance of pending Claims 1-8 and 10-14 in view of the present response is respectfully requested.

Claims 1-6, 8 and 10-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0196967 by Ejzak et al. (hereinafter "*Ejzak*"). The Applicants respectfully traverse the rejection. To anticipate a claim the reference must teach every element of the claim, and it is respectfully submitted that *Ejzak* does not meet this standard. Nevertheless, Claim 1 has been amended to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance.

Claim 1 now includes features directed toward making a determination independently of session endpoints to release a session at an intermediary network entity serving as a notifier. This, among other claimed recitations, is not taught in *Ejzak*. On the contrary, *Eljak* explicitly describes session endpoints releasing the calls (see, e.g., FIGS. 10, 12, 13, and 15, and in the accompanying description). Thus, each and every element as set forth in Claim 1 is not shown in *Ejzak*, and Applicants respectfully submit that Claim 1 as amended is allowable over *Ejzak*.

Further, the Applicants respectfully maintain arguments presented in prior responses. For example, the Applicants maintain that the cited portions of *Ejzak* do not show a network entity subscribing to an intermediary network entity that serves as a notifier. For these additional reasons, Applicants respectfully submit that Claim 1, as previously presented and particularly as amended, is in condition for allowance.

Dependent Claims 2-6, 8, and 10-14 depend from independent Claim 1. These dependent claims also stand rejected under 35 U.S.C. §102(e) as being anticipated by *Ejzak*. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with amended

independent Claim 1. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features that further distinguish these claims from *Ejzak*. Therefore, Applicants respectfully submit that dependent Claims 2-6, 8, and 10-14 are also in condition for allowance.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Ejzak* in view of U.S. Publication No. 2004/0203710 by Gabor (hereinafter “*Gabor*”). The Applicants respectfully traverse the rejection. To establish a *prima facie* case of obviousness based on a combination of references, three basic criteria must be met, as is set forth in M.P.E.P. §2143:

- 1) There must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) There must be a reasonable expectation of success; and
- 3) The prior art references must teach or suggest all of the claim limitations.

All three criteria must be met to establish *prima facie* obviousness of a claim. For the rejections of Claim 7, the Examiner relies on *Ejzak* as teaching the substance of the claim from which Claim 7 depends, namely, Claim 6 which is dependent from independent Claim 1. The Examiner does not rely on *Gabor* as providing a remedy to the deficiencies of *Ejzak* as it pertains to independent Claim 1, as previously presented and particularly as amended. Nor does *Gabor* provide such a remedy. Thus, because neither *Ejzak* nor *Gabor* teach at least the recitations of Claim 1, a combination of *Ejzak* and *Gabor* fails to teach these recitations. Further, a combination of *Ejzak* and *Gabor* fails to suggest the invention set forth in Claim 1, as there is no reference to making a determination independently of session endpoints to release a communication session at an intermediary entity. Nor does such a combination teach or suggest that a network entity subscribes to at least one intermediary network entity that is located between session endpoints, where the intermediary network entity serves as a notifier for the network entity. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest

all of the limitations of Claim 7. For at least this reason, Claim 7 is not rendered obvious by the combination of *Ejzak* and *Gabor*. Withdrawal of the rejection and allowance of Claim 7 is respectfully solicited.

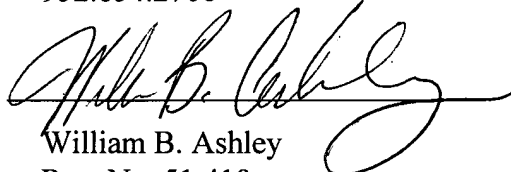
Authorization is given to charge Deposit Account No. 50-3581 (NOKM.064PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8009 34<sup>th</sup> Avenue South, Suite 125  
Minneapolis, MN 55425  
952.854.2700

Date: 27 June 2006

By:

  
William B. Ashley  
Reg. No. 51,419